

Freedom Court Reporting, Inc

1

1 Volume: I
2 UNITED STATES DISTRICT COURT Pages: 1-94
3 EASTERN DISTRICT OF TEXAS Exhibits: 1-3
4 MARSHALL DIVISION

5 -----

6 PATTY BEALL, MATTHEW MAXWELL,
7 TALINA MCELHANY and KELLY
8 HAMPTON, individually and on
9 behalf of all other similarly
10 situated,

11 Plaintiffs Docket No.
12 vs. 2:08-cv-422 TJW

13 TYLER TECHNOLOGIES, INC. and
14 EDP ENTERPRISES, INC.,

15 Defendants

16 -----

17 DEPOSITION of BETTY J. DUPREE

18 Friday, August 20, 2010

19 9:40 a.m. to 11:41 a.m.

20 Jones Reporting Company

21 Two Oliver Street

22 Boston, Massachusetts 02109

23 Reporter: Heidi B. Stutz, CSR

367 Valley Avenue Birmingham Alabama (877) 373-3660

EXHIBIT 0008

Freedom Court Reporting, Inc

5

1 Technologies. Do I understand correctly that you
2 left Tyler around August of 2007?

3 A. Yes.

4 Q. Have you ever been in a deposition like
5 this before?

6 A. No.

7 Q. Let me just kind of give you some of the
8 basic ground rules. You understood the court
9 reporter swore you in this morning?

10 A. Yes.

11 Q. And you understand that the testimony
12 you're giving in this deposition today can be
13 utilized by the attorneys in other proceedings and
14 at the trial of the case?

15 A. Yes.

16 Q. And because the court reporter is taking
17 my questions and your answers down in a transcript,
18 if you can continue to do as you're doing and answer
19 audibly so that the court reporter can take down
20 your response as opposed to a nod of the head or a
21 shrug of the shoulders, is that agreeable?

22 A. Yes.

23 Q. And if you have any questions of me during

Freedom Court Reporting, Inc

11

1 implementation specialist?

2 A. Yes.

3 Q. During your employment with Tyler did you
4 see job descriptions for the position of
5 implementation specialist?

6 A. I don't remember, but I must have.

7 Q. But you're not recalling a particular
8 document necessarily?

9 A. No.

10 Q. While you were employed at Tyler as an
11 implementation specialist did you report to people
12 in the position of project manager?

13 A. Yes.

14 Q. I take it there probably were multiple
15 project managers that you reported to?

16 A. Yes.

17 Q. You started employment with Tyler in 1998?

18 A. Yes.

19 Q. What was the project manager under whose
20 supervision you worked the longest at Tyler?

21 A. Deidre Smith.

22 Q. How long did you work with Miss Smith?

23 A. Five years.

Freedom Court Reporting, Inc

14

1 Q. And you interviewed for a position?

2 A. Yes.

3 Q. Where was your interview?

4 A. In Maine.

5 Q. Is that in Falmouth?

6 A. Yes.

7 Q. Did you drive up there for the interview?

8 A. Yes.

9 Q. Did you have an understanding when you
10 submitted your application if you were going to be
11 actually working in Maine as opposed to working
12 remotely?

13 A. I seem to remember that the ad said that
14 it was out of the Westborough office.

15 Q. And apart from what you may have
16 understood or not understood, in fact while you were
17 employed with Tyler you worked out of the
18 Westborough, Massachusetts office?

19 A. Yes.

20 Q. That was the case throughout your
21 employment?

22 A. Yes.

23 Q. But part of your employment also involved

Freedom Court Reporting, Inc

22

1 A. I didn't expect to work that much overtime
2 to begin with.

3 Q. Sure. But if you did work a few hours
4 overtime, you knew, because you were a salaried
5 employee, you weren't going to be paid extra for
6 that time?

7 A. Right.

8 Q. What's the, do you have an understanding
9 that this entity that's identified in the letterhead
10 of the document, Computer Center Software, is a
11 predecessor to Tyler?

12 A. Yes.

13 Q. And it also references MUNIS at the top of
14 the document. Is that the software that you
15 supported?

16 A. I think the Computer Center Software is
17 what they used to call themselves before it was
18 MUNIS.

19 Q. Okay. So it went from the Computer Center
20 Software to MUNIS and then to Tyler after the
21 acquisition?

22 A. Yes. That's my understanding of it.

23 Q. Did you support a particular type of

Freedom Court Reporting, Inc

30

1 were. And then the implementation specialists go in
2 and start teaching the customers how to use the
3 system. And depending on the module, there may be
4 questions that we have to set it up to the way they
5 want it, always within the guidelines of what MUNIS
6 offers.

7 Q. Okay. So there would be an initial --
8 obviously there was the sales component of it. I'm
9 going to leave that out of our discussion. You
10 weren't involved in selling it?

11 A. No.

12 Q. And another, what I think is an obvious
13 question, you also weren't involved in programming
14 software?

15 A. Correct.

16 Q. And as I understood your testimony a
17 moment ago, you said that the project manager would
18 have some type of initial consultation with the
19 customer to determine the customer's overall
20 software needs?

21 A. Yes.

22 Q. Would that be something that you as an
23 implementation specialist would ever attend?

Freedom Court Reporting, Inc

31

1 A. No.

2 Q. Did that initial consultation have a name
3 or was it called something at Tyler?

4 A. Project kickoff.

5 Q. Have you ever heard the term "systems
6 analysis" in connection with a particular function
7 at Tyler?

8 A. That's something that the project managers
9 would do. They would analyze what the person had
10 and what they needed or what the city had and what
11 they needed.

12 Q. And when you say "what they had," are you
13 talking about their legacy system or are you talking
14 about more hardware, that type of thing?

15 A. It would be the software system that they
16 were using at the time. There were a number of
17 them.

18 Q. A number of different software systems?

19 A. Different software systems that cities and
20 towns used.

21 Q. So a systems analysis, as you understood
22 it, would be a process whereby the project manager
23 would assess the software system that the city was

Freedom Court Reporting, Inc

32

1 using at the time and determine what it is that the
2 city, customer needed going forward?

3 A. It would be more of what they could use
4 out of MUNIS, not necessarily what they had. Not
5 analyzing what they had before, but just what they
6 would need with MUNIS.

7 Q. And this was a systems analysis?

8 A. Yes.

9 Q. And that's something that the project
10 manager performed, correct?

11 A. Correct.

12 Q. Did you ever perform a systems analysis as
13 you've just defined it?

14 A. No.

15 Q. Was the systems analysis part of this
16 project kickoff that you mentioned or is that
17 separate?

18 A. I'm not exactly sure because I didn't
19 attend any, so I'm not exactly sure what they did.

20 Q. Okay. Did you as an implementation
21 specialist review any documents that were created by
22 the project manager from this project kickoff
23 dialogue?

Freedom Court Reporting, Inc

37

1 understood that to include the location and in some
2 cases at least the module or modules on which you
3 would be training.

4 A. Right, or the part of the module.

5 Q. Right, the part of the module.

6 A. Right.

7 Q. Or if it was fixed assets, the module?

8 A. Right.

9 Q. And my question is was there a more
10 detailed or specific document related to the
11 particular training or particular implementation,
12 rather, that told you what you were going to be
13 doing at particular times, i.e., consulting with the
14 customer representative at 12 o'clock on Monday,
15 having a training class at 2 o'clock on Tuesday,
16 again speaking hypothetically? Was there something
17 like that that you would have been able to review
18 prior to going into the customer location?

19 A. Sometimes.

20 Q. And who, on those occasions when you would
21 have a document like that who would prepare it?

22 A. The project manager.

23 Q. And would it, would the existence of that

Freedom Court Reporting, Inc

38

1 kind of document depend on any factor that you could
2 identify?

3 A. It would depend on what they had already
4 done. You know, if they had done requisitions,
5 would it be a requisition review, would it be going
6 to the purchase orders. If it was payroll, have
7 they done X number of tables for payroll, you know,
8 I would do the next set of tables.

9 Q. So I take it these documents that you're
10 referring to would be in different forms and
11 formats?

12 A. Sometimes.

13 Q. Did you call them anything, like a -- I
14 used the term "schedule," but was that document
15 called anything?

16 A. We usually called it a schedule.

17 Q. So the schedule, it sounds like from your
18 testimony, would apprise you of work that had
19 already been done in connection with the servicing
20 of that customer?

21 A. Yes.

22 Q. Would the schedule also provide you with
23 an agenda of what you would be doing?

Freedom Court Reporting, Inc

39

1 A. Usually.

2 Q. Were you ever charged with the
3 responsibility to sit down with the customer and
4 create an agenda or schedule that would govern the
5 services that you would provide during the
6 implementation phase with the customer?

7 A. No.

8 Q. In those instances in which a schedule
9 that outlined the function you were to perform at
10 the customer was not prepared, how would you know
11 what those functions were?

12 A. Sometimes I call the project manager and
13 sometimes I would ask the customer what stage they
14 were at.

15 Q. And when you say "what stage," do you mean
16 what stage of the implementation?

17 A. Uh-huh.

18 Q. Is that "yes"?

19 A. Yes. Did they cover, you know, XYZ and
20 did they understand that? And if they did, we would
21 go on to the next step.

22 Q. So from that answer I'm going to assume,
23 and you can tell me if that's incorrect, that you

Freedom Court Reporting, Inc

43

1 A. Sometimes.

2 Q. Okay. When it wasn't like that, how would
3 you describe the training? That would be a case
4 where you would train individuals more one on one?

5 A. Exactly. We did the individual training
6 for a few people and we did the large classrooms.

7 Q. But the process of which, by which the
8 customer would determine what employees needed to be
9 trained on what modules wasn't something in which
10 you were involved?

11 A. No.

12 Q. Was that something in which the project
13 manager was involved or do you know?

14 A. I don't know.

15 Q. Of the -- it sounds like that the bulk of
16 your functions at Tyler involved training employees
17 of the customer. Is that a fair statement?

18 A. Yes.

19 Q. What percentage of your time at Tyler did
20 you spend training customers of the employees? And
21 I know you're not going to be able to give me a
22 precise amount that I'm sure varied from time to
23 time. But I understand there may have been some

Freedom Court Reporting, Inc

44

1 instances, you've already talked about spending some
2 time in the office at a cubicle perhaps studying a
3 new module or other functions which we can talk
4 about, but right now I'm just trying to get an
5 estimate, a range of the percentage of time that you
6 spent at Tyler training employees of the customer.

7 A. The longer I worked at MUNIS, the more
8 time I spent training customers. There was less
9 time learning new modules. Any learning took place
10 after business hours because I was training
11 customers probably four to five days a week.

12 Q. Okay. Let me then ask you a more narrow
13 question. Let's take the last three years of your
14 employment with Tyler. What percentage of time
15 would you estimate was spent training customers
16 during that last three years of your employment with
17 Tyler?

18 A. At least 80 percent.

19 MR. MCKEEBY: Can we go off the
20 record for just a second?

21 (Discussion off the record.)

22 (Recess 10:33-10:37 a.m.)

23 Q. When you would conduct the training that

Freedom Court Reporting, Inc

46

1 system?

2 A. No.

3 Q. Or was that a programming function?

4 A. That was a programming function.

5 Q. Did you have any role in converting data
6 from the customer's previous system into the MUNIS
7 system?

8 A. I didn't usually get involved in that.
9 There was a conversion team that did that. I
10 sometimes helped the customer check and verify the
11 information after.

12 Q. Okay. And in terms of entering data into
13 the customer's system, that's something that was
14 done by the conversion department?

15 A. Depends.

16 Q. Was it something that was done by you?

17 A. Depends what module it is and what
18 information you're talking about. We built the
19 payroll tables or the customer built the payroll
20 tables. The conversion data was records that they
21 had from the previous system that they could put
22 into the MUNIS data using the tables.

23 Q. And who did that function? Was that the

Freedom Court Reporting, Inc

47

1 customer or was that the converse department or was
2 that you?

3 A. The conversion department did that.

4 Q. Okay. You as an implementation specialist
5 typically wouldn't do that?

6 A. No. We usually helped them build the
7 tables, but I didn't normally put the data in, put
8 the conversion data into it.

9 Q. And let me make sure I understand. When
10 you assisted a customer in building the tables were
11 you counting that in the approximately 80 percent
12 range that you used or would that building, table
13 building --

14 A. That's part of the training.

15 Q. Okay. And tell me what's involved in
16 building a table.

17 A. Depends what module it is. If it's
18 payroll, you have to put in whether they're hourly,
19 salary, how often they get paid, weekly, biweekly,
20 monthly, the tax tables for the federal and whatever
21 state they're in, what benefits they have.

22 Q. So for payroll this table basically is
23 different information that would be input into the

Freedom Court Reporting, Inc

53

1 sounds like an interesting feature that we would use
2 or, no, that's probably too complicated for us?

3 A. I think those decisions would probably be
4 made more in the sales representative or in the
5 project kickoff rather than when I start the
6 training. Because when I start the training they
7 know what they want.

8 Q. Okay. So in the course of training and
9 setting up these tables would customers ever ask you
10 for input or advice as to what they should do with
11 the software?

12 A. Well, they usually tried and I'd say it's
13 up to you, it's your system. You have to use it.
14 It has to fit the way you want it to. It's not my
15 decision to make for you.

16 Q. What kind of questions, give me an example
17 of a question that they would ask you about what
18 they should do in terms of, I guess, how to set up
19 the table or how to use the software or what feature
20 to use.

21 A. In specific terms I really don't remember
22 because it's been, the last three years I didn't do
23 startup implementations. I worked on systems that

Freedom Court Reporting, Inc

54

1 were already there that they bought extra modules
2 for.

3 Q. Okay. So if we talked about the last
4 three years of your employment, you would not have
5 had these types of discussions that we're talking
6 about?

7 A. Right.

8 Q. And that's because they were not startup
9 implementations?

10 A. Right.

11 Q. They were purchasing extra modules?

12 A. Right.

13 Q. Okay. So these were customers of,
14 existing customers of Tyler who were on the MUNIS
15 system and were purchasing an upgrade or an
16 additional module?

17 A. Exactly.

18 Q. Okay. But there would still in these
19 instances be the project kickoff and that process
20 would occur?

21 A. They wouldn't have the project kickoff
22 because they already were using the system. It
23 would be they would talk to the salesperson and say,

Freedom Court Reporting, Inc

55

1 yes, I want to use personnel. So they would buy
2 personnel and I'd go in and train them on it.

3 Q. Was there a particular time period or
4 event that resulted in you only doing these
5 implementations that involved the purchase of
6 additional modules in the sense were you promoted to
7 a position or was there any occasion where your
8 project manager or other supervisor said, okay,
9 you've reached a level where your abilities are best
10 utilized in this capacity, or is it more accurate to
11 say it kind of just developed over time?

12 A. It kind of developed over time. And then
13 they said, okay, let's have an installed module
14 team. But that was, you know, that kind of just
15 developed. And then they decided to make it
16 official. But it wasn't a promotion.

17 Q. Relative to your departure from employment
18 in 19 --

19 A. 2007.

20 Q. I'm sorry, 2007, when was this installed
21 module team created, approximately?

22 A. I think it was like three years that I
23 worked for Jim Mundy.

Freedom Court Reporting, Inc

56

1 Q. So around three years?

2 A. Yeah.

3 Q. Was there, was that when Mr. Mundy became
4 the project manager?

5 A. He was the project manager, he was my
6 project manager and then they just decided that it
7 should be installed teams.

8 Q. So I take it there were other implementers
9 on this installed module team?

10 A. There were, but I don't think any of them
11 lasted.

12 Q. Okay. Do you remember any of their names?

13 A. Installed teams, no.

14 Q. Was there a team leader or somebody who
15 oversaw the installed module team?

16 A. Jim Mundy.

17 Q. But even when you were doing an installed
18 module you would build tables?

19 A. Sometimes.

20 Q. What would it depend on?

21 A. Depended on the module. If I was doing
22 fixed assets, yes, they had tables they had to
23 build.

Freedom Court Reporting, Inc

67

1 Q. So make sure I understand, were these
2 guidelines then part of the system or were they
3 separate documents that you could provide to the
4 customer and say here's something that might help
5 you after I leave to utilize the system, here's how
6 do you a requisition or --

7 A. We had some for requisitions. I took
8 somebody else's documentation and just played with
9 it a little bit and gave it to the customers.

10 Q. And this was something that would have
11 been left with the customer to assist them on a
12 going-forward basis?

13 A. Yes.

14 Q. During this final three-year stint of your
15 employment when you were on the installed module
16 team were you at the customer location when they
17 went live with the module?

18 A. Not usually.

19 Q. Would someone else from the company be at
20 the site when the customer went live?

21 A. I don't know.

22 Q. I used the term "live." Tell me what you
23 understand that to mean so that we're on the same

Freedom Court Reporting, Inc

69

1 Q. And Jim. And what about the provision of
2 post live support? Is that something you did during
3 these final three years of your employment in terms
4 of answering the customer's questions after they
5 went live as to operational questions?

6 A. Usually after they went live they had to
7 call support.

8 Q. Were there times when they called you or
9 would that be unusual?

10 A. It would be unusual.

11 Q. Did you have a practice of referring
12 customers to support if they did call you after they
13 had gone live with the system during this three-year
14 period in which you were on the installed module
15 team?

16 A. Me being me, I would probably try to
17 answer their question.

18 Q. Was that contrary to any Tyler policy or
19 practice of which you were aware?

20 A. Not that I'm aware of.

21 Q. The presence at the customer site during
22 the go-live process, in particular in your presence,
23 was that something that occurred more often prior to

Freedom Court Reporting, Inc**94**

1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF SUFFOLK

3 I, HEIDI B. STUTZ, Certified Shorthand
4 Reporter No. 146599S and Notary Public in and for
5 the Commonwealth of Massachusetts, do hereby certify
6 that BETTY J. DUPREE came before me on August 20,
7 2010, the deponent herein, who was duly sworn; the
8 examination was reduced to printing under my
9 direction and control; and the within transcript is
10 a true record of the testimony given at said
11 deposition.

12 I further certify that I am neither
13 attorney or counsel for, nor related to or employed
14 by any of the parties to the action in which this
15 deposition is taken; and, further, that I am not a
16 relative or employee of any attorney or counsel
17 employed by the parties hereto, or financially
18 interested in the outcome of the action.

19 IN WITNESS WHEREOF I have hereunto set my
20 hand this 31st day of August, 2010.

21

22 _____
HEIDI B. STUTZ, Notary Public

23 My Commission expires 7/30/15